

6/7/89

FINAL
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REPLY TO: 6W-SE

MEMORANDUM

Subject: Technical clarifications to the Osage Underground Injection Control (UIC) regulations at 40 CFR §147.2905(a)

From: Myron O. Knudson, P.E.
Director
Water Management Division (6W)

To: Michael B. Cook
Director
Office of Drinking Water (WH-550)

Recommendation:

The Water Management Division recommends the following change to the Osage UIC regulations at Subpart GGG. This change is proposed to give the Regional Administrator (RA) the same flexibility in dealing with temporarily abandoned wells as afforded him in the Generic Federal Regulations at Part 144.

Supporting Generic Federal Regulations

This flexibility exists at 40 CFR §144.28(c)(2)(iv) and 144.52(a)(6) for both authorized by rule and permitted wells respectively:

§144.28(c)(2)(iv) Requirements for Class I, II, and III wells authorized by rule.

NEW 147.2905

a^(iv) After a cessation of operations of ~~two~~ ¹ year, the owner or operator shall plug and abandon the well in accordance with the plan unless he:

AN EPA approved

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- (A) Provides notice to the Regional Administrator;
- (B) Describes actions or procedures, satisfactory to the Regional Administrator, that the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the Regional Administrator.
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30 days notice of
annual report
1 year

injection
termination

including
30 days notification with
of temporary
abandonment &
annual reports to
the RA on well status
will be required

§144.52(a)(6) Establishing permit conditions.

"(6) After a cessation of operations of two years the owner or operator shall plug and abandon the well in accordance with the plan unless he:

- (i) Provides notice to the Regional Administrator;
- (ii) Describes actions or procedures satisfactory to the Regional Administrator, that the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the Regional Administrator."

These regulations allow the RA to waive the technical requirements applicable to active injection wells, such as proof of mechanical integrity, provided the owner or operator submits a satisfactory plan to ensure a temporarily abandoned well will not endanger a USDW.

Current Osage UIC Regulations

As currently written, Osage UIC Regulation §147.2905, governing plugging and abandonment, allows the RA to extend the plugging deadlines, but does not allow him to waive technical requirements for those temporarily abandoned wells which do not endanger a USDW.

§147.2905 Plugging and abandonment.

"The owner/operator shall notify the Osage UIC office within 90 days of the date injection has terminated. The well must be plugged within 1 year after termination of injection. The Regional Administrator may extend the time to plug but only if no fluid movement into a USDW will occur, and the operator has presented a viable plan for utilizing the well within a reasonable time.

(a) Until an injection well has been properly plugged and abandoned, annual reports to the Regional Administrator on well status, and mechanical integrity tests as outlined in §§147.2912 and 147.2920 will be required, whether or not injection has ceased."

This places an unnecessary hardship on operators of such wells in that regulations at §§147.2912(a) and 147.2920(b) require all wells, both authorized by rule and permitted wells respectively, to have mechanical integrity regardless of operational status.

§147.2912(a) Operating requirements for wells authorized by rule.

"(a) Each well authorized by rule must have mechanical integrity. Mechanical integrity must be demonstrated within five years of program adoption. The Regional Administrator will notify the well owner/operator three months before proof of mechanical integrity must be submitted to EPA. The owner/operator must contact the Osage UIC office at least five days prior to testing. The owner/operator may perform the mechanical integrity test prior to receiving notice from the Regional Administrator, provided the Osage UIC office is notified at least five days in advance. Conditions of both paragraphs (a)(1) and (a)(2) of this section must be met."

§147.2920(b) Operating requirements for wells authorized by permit.

"(b) Each well must have mechanical integrity. Mechanical integrity of the injection well must be shown prior to operation. The owner/operator must notify the Osage UIC office at least five days prior to mechanical integrity testing. Conditions of both Paragraphs (b)(1) and (b)(2) of this Section must be met."

It is obviously impractical to require proof of mechanical integrity of those wells which are engaged in the plugging procedure or, by meeting the RA's criteria, have been granted an extended plugging deadline.

Proposed Changes

Therefore, to alleviate this discrepancy and achieve greater continuity between the Generic Federal Regulations and the Osage UIC Regulations we propose to change the regulation governing plug and abandonment so that it will read:

§147.2905 Plugging and abandonment.

"The owner/operator shall notify the Osage UIC office within 30 days of the date injection has terminated. The well must be plugged within 1 year after termination of injection. The Regional Administrator may extend the time to plug, but only if the owner or operator takes steps satisfactory to the Regional Administrator to ensure no fluid movement into a USDW will occur and has presented a viable plan for utilizing the well within a reasonable time.

(a) Until an injection well has been properly plugged and abandoned, annual reports to the Regional Administrator on well status will be required. Mechanical integrity tests as outlined in §147.2912 and 147.2920, and other technical requirements applicable to active injection wells will be required unless waived by the Regional Administrator."

Result

This change will continue to ensure the protection of USDWs and allow the Regional Administrator to extend the life of temporarily abandoned wells posing no endangerment to a USDW. This allows operators of those wellbores with viable future potential time to develop those wells for their highest and best use.

If you have any questions please contact Oscar Cabra, Jr. at (FTS) 265-7166.

cc: Don Olson
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